

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) MEGAN CAPEL, Administratrix,  
of the Estate of Terral Brooks  
Ellis, II, Deceased,  
(2) TERRAL B. ELLIS, SR., and  
(3) SHELLY BLISS,  
Plaintiffs,

Vs.

CIV-17-325-JED-FHM

OTTAWA COUNTY BOARD OF COUNTY  
COMMISSIONERS, et al,  
Defendants.

VIDEO DEPOSITION OF  
JEFF HARDING

DATE: NOVEMBER 15, 2019

REPORTER: MARISA SPALDING, CSR, RPR

Spalding Reporting Service, Inc.  
1611 South Utica Avenue, Box 153  
Tulsa, Oklahoma 74104  
(918) 284-2017

1 A No.

2 Q Okay. Or in -- when I say in custody  
3 deaths, meaning someone died in a hospital that  
4 was taken from the jail. Have you ever done any  
5 investigations into those?

6 A No.

7 Q Okay. In 2014 when you took over the --  
8 as jail administrator role, what steps did you  
9 take to review the medical delivery system that  
10 was happening in the Ottawa County Jail?

11 A The...

12 Q The way the medical was being delivered  
13 in the Ottawa County Jail?

14 A Just everything -- however it was set up  
15 in policy was how it was...

16 Q How it -- kind of talk me through that.  
17 When you took over in 2014, a couple of years  
18 ago, what was your understanding of the jail  
19 medical, the way it would operate?

20 A We --

21 MS. GOOCH: Well, 2014 is more than  
22 a couple of years ago.

23 THE WITNESS: There was the nurse,  
24 Theresa Horn, and she was responsible for the  
25 medical care of the inmates. And she had a

1 physician's assistant that she worked with, and  
2 they were -- in conjunction of them, they took  
3 care of the medical issues.

4 Q (By Mr. Smolen) Okay. When you say  
5 that Nurse Horn was responsible for the medical,  
6 what do you mean by that?

7 A Just the day-to-day medical issues that  
8 would arise in the jail.

9 Q Okay.

10 A The delivery of medications, things like  
11 that.

12 Q Did you understand that ultimately the  
13 sheriff was responsible for the inmates that  
14 were in that jail?

15 MS. GOOCH: Object to the form.

16 THE WITNESS: Yes.

17 Q (By Mr. Smolen) Okay. And you  
18 understood Nurse Horn to be there to provide  
19 medical -- types of day-to-day medical issues?

20 A Correct.

21 Q Okay. And she worked there during the  
22 entire time that you were the jail  
23 administrator, correct?

24 A Yes.

25 Q Okay. Were you her direct supervisor?

1           A     The only interaction I had was I spoke  
2 with the nurse, and she advised she was letting  
3 him make a phone call to set up a chiropractic  
4 appointment.

5           Q     Okay. And that's the only recollection  
6 you have from having any involvement in any way  
7 with Terral Ellis?

8           A     Yes.

9           Q     Do you recall talking to Nurse Horn  
10 after Mr. Ellis' death in the jail?

11          A     No.

12          Q     Do you know if the undersheriff or the  
13 sheriff ever spoke with her about it?

14          A     I do not know.

15          Q     Who filled out the jail inspection -- or  
16 the jail investigation division records, the  
17 reports for the jail inspection division?

18          A     Like the reports that went to the State  
19 Health Department?

20          Q     Yeah.

21          A     I did the report after the end of --  
22 after that one.

23          Q     Okay. And you didn't need to talk to  
24 Nurse Horn prior to filling out that report?

25          A     And it was just let them make -- it was

1 Q Did the Ottawa County Sheriff's Office  
2 ever have a health care plan, to your knowledge,  
3 regarding the jail?

4 A Policy?

5 Q A facility health care plan as defined  
6 by the jail standards? Did you know of the  
7 Ottawa County Sheriff's Office having such a  
8 thing as defined in Subsection 1 of 310:675-8?

9 A No.

10 Q Let's look at Subsection 2, okay?  
11 Intake screening shall be performed on all  
12 inmates immed -- immediately upon admission to  
13 the facility and before being placed in the  
14 general population or housing area. An inmate  
15 -- let -- let's stop there, okay? Did that  
16 happen when you were employed at the Ottawa  
17 County Sheriff's Office?

18 A Yes.

19 Q I want you to generally describe to me  
20 -- take that back. I want you to specifically,  
21 as much as possible, describe to me what that  
22 process was, okay?

23 A At the intake, of course, any kind of  
24 visible injury or anything like that would be  
25 documented.

1 Q So documentation of physical injuries?

2 A Correct, anything vis -- anything that  
3 would indicate some sort of suicidal thoughts or  
4 something like that from -- that would -- that  
5 would be noted and -- and then asking, you know,  
6 any kind of major medical issues that they had  
7 had, any kind of recent surgeries, medications  
8 that they were on.

9 Q Medical history?

10 A Correct.

11 Q Okay. And who's doing that? Who's  
12 taking down that information?

13 A The -- the staff member who's booking  
14 the -- the person in.

15 Q Okay. Booking officer?

16 A Correct.

17 Q Okay. And that's the point that we  
18 talked about in the beginning of the deposition,  
19 right, that they're filling out? Remember that  
20 being in the deposition we talked about?

21 A That the -- the medical forms were part  
22 -- the medical forms were part of the booking  
23 process, but they weren't part of the  
24 information that went to the office manager.

25 Q Okay. So that's why I want to kind of

1 flush that out a little bit, okay?

2 A Okay.

3 Q The medical records were not then used  
4 to create the jail file?

5 A No.

6 Q Okay. Do you know why that the medical  
7 records were not being made part of the jail  
8 file?

9 MS. GOOCH: Object to the form.

10 THE WITNESS: The medical records --  
11 the medical screening -- the initial medical  
12 screening that they did was -- was provided to  
13 the nurse.

14 Q (By Mr. Smolen) Okay. Walk me through  
15 that process. What -- what did you understand  
16 that process to be?

17 A If there was -- if there was a, like I  
18 said, an immediate issue that the nurse would be  
19 called and, you know, it would go from there.  
20 If there was no immediate issue, then she was  
21 given copies of their -- she was actually given  
22 the medical screening that we did.

23 Q Okay. And how would she be given that?

24 A She had a box or under the door or  
25 something like that.

1 Q Put it in a box or slide it under the  
2 door?

3 A Yeah.

4 Q Okay. And how were jail staff trained  
5 to recognize whether the condition was of an  
6 immediate medical concern?

7 A There were -- in the policy, it stated,  
8 you know, bleeding, burns, things of that  
9 nature. I mean, that's what -- that was  
10 immediate.

11 Q Okay. Let's look at -- when you said  
12 immediate, you're talking about emergent medical  
13 care?

14 A Exactly.

15 Q Okay. I just want to make sure we're on  
16 the same page. I'm going to hand what you we're  
17 going to mark as Exhibit 31.

18 (Plaintiff's Exhibit No. 31

19 marked for identification)

20 MS. GOOCH: Is that Bates 282 and  
21 283?

22 MR. SMOLEN: Uh-huh.

23 MS. GOOCH: When I say Bates, I'm  
24 talking about these numbers down here.

25 THE WITNESS: Okay.



1           Q     (By Mr. Smolen) We were talking about  
2 the booking process when we started, okay, and  
3 we talked about the intake screening and I --  
4 you were saying, hey, if there's something  
5 emergent during the screening process, then  
6 they've -- they've got to notify somebody about  
7 that, right?

8           A     Correct.

9           Q     Okay. Were you referring to the  
10 emergency medical care plan? You said it was  
11 laid out in policy, and -- and I was wondering  
12 if that's where it says emergency definition, if  
13 that's what you're speaking of? You said severe  
14 bleeding?

15          A     Yes.

16          Q     Severe bleeding, unconsciousness,  
17 serious breathing difficulties, head injuries,  
18 severe burns, suicide attempt, sudden onset of  
19 bizarre behavior or health or life-threatening  
20 situations and emergency dental care?

21          A     Yes.

22          Q     Okay. And if any of those things were  
23 identified by the booking officer, there was a  
24 policy that dictated that they send that person  
25 out for emergent medical care, correct?

1           A     The -- they were to -- if it was -- they  
2     could call if -- if an EMS or something was  
3     needed, they were -- they were able to call that  
4     --

5           Q     Look at --

6           A     -- or the nurse.

7           Q     look at Subsection E, okay?

8           A     Uh-huh.

9           Q     Emergency instructions. The facility  
10    administrator, facility nurse or shift  
11    supervisor on duty will give all medical  
12    instructions, such as contact and ambulance to  
13    transport the inmate to Baptist Regional Health  
14    Center?

15          A     Uh-huh.

16          Q     Treat at the facility in accordance with  
17    medical records from the nurse; 3, have a deputy  
18    dispatched to the facility to transport the  
19    inmate to Baptist Regional Health Center. Those  
20    were the things that were identified under  
21    emergency instructions, okay?

22          A     Yes.

23          Q     We were talking about the booking  
24    process?

25          A     Uh-huh.

1 consistent with the facility's policy and  
2 identify need until the appropriate medical  
3 evaluation has been completed, okay?

4 This says an inmate who's screening indicates  
5 a significant medical problem, okay? How were  
6 the staff at the Ottawa County Sheriff's Office  
7 trained to identify what's defined by the jail  
8 standards as a significant medical problem?

9 A The jail staff was informed of the  
10 policies and procedures that went through the  
11 jail standards training.

12 Q Right, which would cover this?

13 A Correct.

14 Q And I'm just wandering how the staff  
15 were trained on what a significant medical  
16 problem was?

17 A Such as like severe bleeding or burns or  
18 --

19 Q No, a significant medical problem?

20 A That would just -- that would come from  
21 if the -- if the person being booked in, if it  
22 was a medical issue that they could see, they  
23 could -- you know, that would be one thing. But  
24 if it was something that they would just have to  
25 ask the inmate or the person being booked in and

1 marked for identification)

2 Q Do you remember you had mentioned a --  
3 you have mentioned a physician's assistant  
4 earlier in your deposition. Do you remember  
5 that person's name?

6 A Aleta Fox.

7 Q Okay. And do you know Aleta?

8 A Yes.

9 Q Okay. And how do you know Aleta Fox?

10 A She's a physician -- she was our  
11 physician's assistant at the jail.

12 Q During what time?

13 A I know she was when I was the jail  
14 administrator.

15 Q Okay. And you were the jail  
16 administrator 2014 through when?

17 A It would have been 20 -- the end of  
18 2015.

19 Q Okay. The Ottawa County Sheriff's  
20 Office Jail & Medical Treatment Contract. It  
21 says: This contract is entered into the 30th  
22 day of July 2015 between the Ottawa County  
23 Sheriff's Office and Aleta Fox.

24 It is agreed that Fox will come to the jail  
25 once a week on a spec -- on a specified day

1 agreed to by Fox and the Ottawa County Jail  
2 administrator for inmate medical exams. Fox  
3 will also be on call at all times for any  
4 medical emergency that the department nurse  
5 might deem necessary.

6 The department agrees to pay Fox a flat rate  
7 of a thousand a month for the above services.  
8 This contract will be reviewed in six months by  
9 both parties. This contract will remain in  
10 effect unless notified in writing 60 days in  
11 advance by either party until July 31st of 2016.  
12 Signed by Sheriff Durborow, correct?

13 A Yes.

14 Q Okay. This document seems to indicate  
15 that Ms. Fox starts at the Ottawa County Jail on  
16 the 30th of July of 2015. Is that consistent  
17 with your memory?

18 MS. GOOCH: Object to the form.

19 THE WITNESS: That that's the day  
20 she started?

21 Q (By Mr. Smolen) Uh-huh.

22 A I'm not a -- I -- I don't know her exact  
23 dates of employment there or...

24 Q Well, she's not really employed there.  
25 She's a contractor who's available?

1 Q Okay. There are situations above those  
2 that are identified, though, that might not be  
3 so apparent, agreed?

4 MS. GOOCH: Object to the form.

5 THE WITNESS: Correct.

6 Q (By Mr. Smolen) Okay. For example, if  
7 someone is having difficulty breathing, okay,  
8 would you expect a jailer to immediately call an  
9 ambulance or would you expect them to do some  
10 kind of assessment on them?

11 MS. GOOCH: Object to the form.

12 THE WITNESS: It depends on -- I  
13 guess on severity of the difficulty of breathing  
14 and...

15 Q (By Mr. Smolen) And who would be making  
16 that decision, I guess is what I'm curious  
17 about?

18 A Whoever was -- whoever was dealing with  
19 the -- with the person.

20 Q Whether that person be a jailer or a  
21 nurse?

22 A Correct.

23 Q Okay. And a jailer could call an  
24 ambulance; they didn't have to call the nurse,  
25 did they?

1           A     No, they did not have to call the nurse.  
2     They could call an ambulance.

3           Q     Okay. Nothing prevented them from doing  
4     that, correct?

5           A     Correct.

6           Q     You never told them, hey, don't call an  
7     ambulance for an inmate without talking to the  
8     nurse first?

9           A     No. Also, I -- mental health issues and  
10    things like that, I know that that was another  
11    thing. There was training for that involved  
12    like suicidal observation and stuff. I saw it  
13    said during the behavioral observation or  
14    whatever. There was training involved with that  
15    with the jail standards training.

16          Q     Okay. No. 4: Inmates are informed upon  
17    admission to the facility about the procedures  
18    for gaining access to medical and health care  
19    services. These procedures shall be posted in a  
20    conspicuous place. How did that happen?

21                   MS. GOOCH: Object to the form.

22                   THE WITNESS: They were -- they were  
23    informed on the procedures to get in touch -- or  
24    to communicate with the nurse if they had an  
25    issue that they felt -- medical issue that they

1 administrator shall reassign him or her to a  
2 regular cell upon a receipt of a written  
3 request. The request must be signed and dated  
4 by the inmate, correct?

5 A Yes.

6 Q Mr. Ellis was in segregation at the time  
7 of his death, correct?

8 A Correct.

9 Q Okay. Tell me about the review process  
10 that you had with respect to making the decision  
11 to put him in administrative segregation.

12 A He was placed into administrative  
13 segregation on advice of the nurse.

14 Q Okay. And according to this policy  
15 that's to be reviewed through you?

16 A Correct.

17 Q Was it?

18 A Reviewed through me as in like official  
19 documents or --

20 Q I'm just -- I'm -- I'm wanting to know  
21 if, in fact, this -- you said this policy was in  
22 place and it was being followed at the time of  
23 Mr. Ellis' death, correct?

24 A Correct.

25 Q And it requires that the re -- the



1 recommendation to segregate an inmate shall be  
2 referred to the jail administrator. Was it  
3 referred to you?

4 A To place Mr. Ellis into segregation?

5 Q Yes.

6 A Yes.

7 Q Okay. Who made that recommendation?

8 A The nurse.

9 Q Okay. Nurse Horn?

10 A Correct.

11 Q Okay. Subsection B says: The decision  
12 to place an inmate in administrative segregation  
13 will be made by the administrator on the  
14 following basis. A request -- a request for  
15 segregation by the inmate, correct?

16 A Yes.

17 Q 2: Observation or reports from a jail  
18 -- jailer or persistently disruptive or  
19 potentially disruptive behavior or abnormal  
20 behavior which requires removal of the inmate  
21 from general inmate population. 3: A report  
22 from the facility nurse, correct?

23 A Correct.

24 Q Okay. Was there any written request  
25 made by Nurse Horn regarding Mr. Ellis' or her

1 request for Mr. Ellis to be put in  
2 administrative segregation?

3 A Just verbal.

4 Q Okay. And what did she tell you?

5 A To place -- that he should be placed in  
6 administrative segregation and observed.

7 Q She used the words administrative  
8 segregation?

9 A No.

10 Q Okay. That's what -- I want be real  
11 careful about what you're testifying to, okay?  
12 What did she specifically tell you about the  
13 request for Mr. Ellis to be housed out of  
14 general population?

15 A I don't remember what she specifically  
16 said.

17 Q Okay. How about generally what she told  
18 you?

19 A That he should be placed in segregation  
20 and observed.

21 Q Okay. Placed in segregation and  
22 observed? That's what she told you?

23 A Correct.

24 Q Okay. And did she tell you why?

25 A He had a medical issue.

1 Q Was it clear to you at the time that  
2 Nurse Horn made a recommendation to you that he  
3 be placed in administrative segregation that she  
4 was aware that he had a medical condition?

5 MR. GIBBS: Object to the form.

6 MS. GOOCH: Same objection.

7 THE WITNESS: Yes.

8 Q (By Mr. Smolen) Okay. And did she  
9 convey that to you?

10 A Specifically, I don't recall.

11 Q Okay. But, generally, you believe that  
12 she did?

13 A Yes.

14 Q Okay. And what did the policy state  
15 that if a -- an inmate had been placed in  
16 administrative segregation because of a medical  
17 condition and additional observation was  
18 required, what -- what was the practice at the  
19 jail?

20 A For the observation?

21 Q Yes, the --

22 A Okay. The inmate would be separated and  
23 the jail staff that was working would be  
24 responsible for conducting checks on the inmate.

25 Q Did she specifically state what

1 was it all over the phone?

2 A I don't recall speaking with her  
3 face-to-face so --

4 Q So you think it would have been over the  
5 phone?

6 MS. GOOCH: Well, hold on. Okay  
7 y'all are talking over each other, both of you  
8 are, so -- so, Dan, please try to please let him  
9 finish and you please let him finish his  
10 question, too.

11 THE WITNESS: Will do.

12 Q (By Mr. Smolen) Okay. You believe that  
13 somebody told Nurse Horn he had a medical  
14 condition; that they called her at home and then  
15 she called you?

16 A Correct.

17 Q Okay. And, to your knowledge, did she  
18 ever put it in writing?

19 A No.

20 Q Okay. And wasn't it a requirement that  
21 the person who observed the need to be put into  
22 administrative segregation fill out a written  
23 report?

24 A Correct.

25 Q And in this case, you believe it would

1 quote, they think this one is faking it, and  
2 that if it's not life threatening, do not take  
3 him. They are not footing the bill.

4 Next, the medic checks his vitals signs. And  
5 to everyone's surprise, they did not take him.  
6 The EMT left. Then we overheard the jail  
7 administrator say that the other inmates were  
8 making such a stink that he thought it would be  
9 better if they moved Terral to a single holding  
10 tank up front away from everybody. Did that  
11 happen?

12 A No.

13 Q Okay. And you are certain about that  
14 before -- I just want to make sure you're  
15 certain about it before we go and review the  
16 video?

17 A Yes.

18 Q Okay. What do you recall happening?

19 A This?

20 Q About this situation and your  
21 involvement with the EMT's and statements that  
22 you made?

23 A The EMT's checked Mr. Ellis out and they  
24 advised that they weren't going to transport  
25 him.

1 Q Okay. Why did they tell you they  
2 weren't going to transport him?

3 A They just -- they just told me they  
4 weren't going to transport him. They didn't --  
5 it wasn't they -- anything he needed transported  
6 for is why.

7 Q Okay. So, I mean, the EMT's told you  
8 they checked out Mr. Ellis and there was nothing  
9 wrong with him?

10 A I don't recall if that's what they said  
11 but they -- they just -- they weren't going to  
12 take him.

13 Q Okay. And did they explain to you why?

14 A They just -- no.

15 Q Okay. And you don't ever recall making  
16 any statements whatsoever about Mr. Ellis was  
17 possibly faking?

18 A I don't recall.

19 Q It's possible that you did?

20 A No.

21 MS. GOOCH: Object to the form.

22 Q (By Mr. Smolen) Okay. Any reason why  
23 it would be in the video if -- I mean, did you  
24 make any statements like that?

25 A No.

1 Q (By Mr. Smolen) Okay. If a jailer  
2 believed that an inmate was paralyzed or became  
3 paralyzed, what did the policy require that they  
4 do?

5 A They were to call the nurse or based on  
6 the severity, EMS.

7 Q I mean, if someone becomes paralyzed and  
8 they believe a person is paralyzed, they're not  
9 supposed to call the nurse; they're supposed  
10 call for an emergency medical transport to a  
11 hospital, correct?

12 A Correct.

13 MS. GOOCH: Object to the form.

14 Q (By Mr. Smolen) They're supposed to  
15 notify the nurse that they did it?

16 A Yes.

17 Q Okay. Did you ever see the jail staff  
18 -- when Mr. Ellis asked for an ambulance to be  
19 called after they acknowledged that they believe  
20 he's paralyzed, did any jail staff call the  
21 EMT's for emergency transport Mr. Ellis to a  
22 hospital?

23 A In that clip, no.

24 Q Okay. And let's look at -- okay.

25 MR. SMOLEN: Okay. Let's do -- the

1           A     As I said before, I don't recall.

2                                 (Video playing)

3           Q     Are all of them in your office again,  
4 Shoemaker and Horn, at 8:48 in the morning,  
5 agreed?

6                                 MR. GIBBS: Object to the form.

7                                 MS. GOOCH: Object to the form.

8                                 THE WITNESS: 10:48.

9           Q     (By Mr. Smolen) Yeah, I'm sorry, 10:48?

10          A     Yes.

11          Q     Thank you. 10:48?

12          A     Yes.

13          Q     Okay. It's your testimony you're not in  
14 there?

15          A     Correct.

16          Q     Okay.

17                                 (Video playing)

18          Q     If you had been in your office, okay,  
19 hearing and seeing what was going on, what would  
20 you have done?

21                                 MS. GOOCH: Object to the form.

22                                 MR. GIBBS: Same.

23                                 THE WITNESS: Hearing this?

24          Q     (By Mr. Smolen) Yeah. I mean, this has  
25 been going on since 8:00 -- we know for sure as



1 running of the jail, dealing with the -- working  
2 with like the district attorney and the courts  
3 and things to calculate time, ordering things  
4 for the jail, supplies that were needed, things  
5 like that.

6 Q Do you prepare work schedules --

7 A Yes.

8 Q -- for the staff?

9 A Yes.

10 Q Okay. When an inmate -- or strike that.  
11 And as jail administrator, you reported first to  
12 the undersheriff and then to the sheriff; is  
13 that correct?

14 MR. SMOLEN: Object to the form.

15 THE WITNESS: Correct.

16 Q (By Ms. Gooch) Okay. When an inmate --  
17 while you were jail administrator, at the time  
18 that you were jail administrator, when an inmate  
19 was being booked into the jail, is it during  
20 that booking process that the medical questions  
21 are asked of the inmate that you just discussed  
22 earlier today?

23 MR. SMOLEN: Object to the form.

24 THE WITNESS: Yes.

25 Q (By Ms. Gooch) Can you explain the

1 process of asking those questions, please?

2 A There was a -- a tab on the booking  
3 software that there were certain questions there  
4 you would go through, ask them any of the  
5 medical issues that were listed on there and  
6 then anything else that the inmate reported,  
7 things like that. You would list them on there  
8 as well.

9 Q And I realize we're in -- and it's  
10 November 2019 now. We're talking about things  
11 that occurred four years ago, right?

12 A Correct.

13 Q So your memory is probably faded a  
14 little bit since then?

15 A Oh --

16 Q Would you agree?

17 A Yes.

18 Q Okay. The -- then the information that  
19 you get from the inmate regarding their medical  
20 information, what is done with that information?

21 A The information was given to the nurse.

22 MR. SMOLEN: Object -- go ahead.  
23 Object to the form.

24 THE WITNESS: Okay.

25 Q (By Ms. Gooch) And why was it given to

1 the nurse?

2 A Because she was the medical -- she was  
3 the one who would need to see it. She was the  
4 medical personnel.

5 Q Okay. If at the time of booking an  
6 inmate provides information regarding their  
7 medical condition that is not emergency, just  
8 routine medical information --

9 A Uh-huh.

10 Q -- what is done with that information?

11 MR. SMOLEN: Objection, asked and  
12 answered.

13 THE WITNESS: The -- it -- it's  
14 given to the nurse.

15 Q (By Ms. Gooch) Okay. And if -- if the  
16 inmate providing information regarding his  
17 medical condition that is -- or he appears, you  
18 know, to have some life threatening -- he  
19 appears badly injured or he appears -- reports  
20 he's having some life-threatening incident at  
21 the time of booking, how would that be  
22 addressed?

23 MR. SMOLEN: Objection, asked and  
24 answered.

25 THE WITNESS: EMS would be called

1 to...

2 Q (By Ms. Gooch) Okay. While you were  
3 the jail administrator -- or strike that. You  
4 had worked in the jail for a few years as a  
5 jailer before becoming the jail administrator,  
6 correct?

7 A Yes.

8 Q And do you recall that the -- the jail  
9 physician's assistant Alisha -- is it Alisha or  
10 Aleta?

11 A Aleta.

12 Q Okay, Aleta Fox. She was the jail  
13 administrator for a -- I mean, she was the  
14 physician's assistant at the jail for a number  
15 of years, correct?

16 A Correct.

17 Q A number of years before you were the  
18 jail administrator, correct?

19 MR. SMOLEN: Object to the  
20 form.

21 THE WITNESS: Correct.

22 Q (By Ms. Gooch) Okay. While you were  
23 the jail administrator, do you recall having any  
24 concerns in your mind about the attendance at  
25 work of the jail nurse?

1           A     No.

2           Q     Do you recall seeing her on a regular  
3 basis at work?

4           A     Yes.

5           Q     Interacting with her on a regular basis  
6 at work?

7           A     Yes.

8           Q     Talking to her on a regular basis at  
9 work?

10          A     Yes.

11          Q     Okay. And would a regular basis be  
12 daily during the week, Monday through Friday, so  
13 to speak?

14          A     Yes.

15                   MR. SMOLEN: Object to the form.

16          Q     (By Ms. Gooch) I recognize you've  
17 indicated that sometimes you might have to work  
18 on the weekends; is that correct?

19          A     Correct.

20          Q     And sometimes you may have worked in the  
21 evenings beyond, you know, 5:00 or 6:00; is that  
22 correct?

23          A     Correct.

24          Q     And did the jail nurse do that, also?

25          A     Yes.

1 Q Did any jail staff report to you or  
2 mention to you any concern about the jail nurse  
3 isn't here, she's not showing up for work?

4 A No.

5 Q Did any jail staff person indicate to  
6 you any concern that jail nurse isn't doing her  
7 job?

8 A No.

9 Q Or any -- any jail staff complain to you  
10 that the jail nurse is not providing medical  
11 attention to inmates who need it?

12 A No.

13 Q Did any inmate express any concern to  
14 you that the jail nurse was not providing their  
15 -- not meeting their medical needs in whatever  
16 way?

17 A No.

18 Q Any family member of any jail -- any  
19 person who had been in the jail express to you  
20 any complaint or concern that the jail nurse,  
21 Theresa Horn, had not attended to their family  
22 member's needs while in Ottawa jail?

23 A No.

24 Q While you were jail administrator, was  
25 there an individual employed by the State

1 leading.

2 Q (By Ms. Gooch) You can answer.

3 A Yes.

4 Q Okay. Was it your understanding that  
5 she was -- or the jail inspector was familiar  
6 with or aware of --

7 MR. SMOLEN: Objection, leading.

8 Q (By Ms. Gooch) -- for example, the  
9 medical intake questions that were being asked  
10 by jail staff?

11 MR. SMOLEN: Objection, leading.

12 THE WITNESS: Yes.

13 Q (By Ms. Gooch) Was it your  
14 understanding that the jail inspector was  
15 familiar with the medical delivery system at the  
16 jail?

17 A Yes.

18 Q Did the jail inspector ever express any  
19 concern with you about the medical care delivery  
20 system at the jail?

21 A No.

22 Q Or about the software that the jail had,  
23 the booking intake, medical intake questions  
24 that the jail asked?

25 A No.

1           Q    As jail administrator, did you conduct  
2 or -- the annual training of jail staff?

3           A    Yes.

4           Q    And when I say jail staff, does that  
5 include the jail nurse as well?

6           A    Yes.

7           Q    Did she participate and take the annual  
8 jail training?

9           A    Yes, ma'am.

10          Q    Could you explain, please, when an  
11 individual is hired at the jail to be a jail  
12 employee, what is the initial training they  
13 receive, if any?

14          A    Once they were hired, they spent at  
15 least two days on the policies and procedures  
16 and the jail standards, and that was conducted  
17 by Randall Lloyd. And then after that, they  
18 would go with a supervisor -- a jail supervisor  
19 and observe. And the jail supervisor from there  
20 would let us know after they had been -- I don't  
21 want to say trained -- but after they had been  
22 -- they had gotten their feet wet in the jail.

23          Q    Okay. Have you heard of jail school?

24          A    Yes.

25          Q    What is that?



1           A     Jail school was -- what we called it was  
2     the -- it was the -- the state jail standards  
3     and that's -- that's what I recall jail school  
4     being.

5           Q     And was that provided -- did new  
6     employees have to go to jail school?

7           A     Yes.

8           Q     Where was jail school held?

9           A     Jail school was generally held here or  
10    -- yes, here in town either at the courthouse or  
11    some other place.

12          Q     Do you recall when Terry Durborow took  
13    office?

14          A     Yes.

15          Q     When?

16          A     It would have been 2005 or '06.

17          Q     Backing up a minute. Some of the same  
18    questions I asked you about the nurse a moment  
19    ago, I want to ask you about Shoemaker.

20          A     Okay.

21          Q     While you were employed at the jail, did  
22    anyone -- any staff express any concern or  
23    complaint to you about Charles Shoemaker?

24          A     No.

25          Q     Complain to you about how he treated

1 inmates?

2 A No.

3 Q Any inmate express any complaint or  
4 concern to you about how Charles Shoemaker  
5 treated inmates?

6 A No.

7 Q The video and audio that you watched and  
8 listened to today, did it bother you?

9 A Yes.

10 Q Had you heard from jail staff or inmates  
11 -- or family members of inmates anything along  
12 the lines of what you've heard today on the  
13 audio or video as far as how Charles -- Charles  
14 Shoemaker or Nurse Hearn -- Nurse Horn treated  
15 inmates?

16 A No.

17 Q If you had been within earshot of Terral  
18 Ellis on October 22nd, 2015 -- 21st, 22nd, 2015  
19 and heard then what you heard today, what would  
20 you have done?

21 A We would have called the medical  
22 personnel, the EMS.

23 Q Would you have gone and checked on him?

24 A Absolutely.

25 Q In terms of the efficiency of the

1 physician's assistant, Aleta Fox?

2 A No.

3 Q Do you recall seeing her in the jail?

4 A Yes.

5 Q Did Nurse Horn ever indicate to you she  
6 was frustrated with Aleta Fox's responsiveness  
7 to her requests?

8 A No.

9 Q Did Nurse Horn ever express to you  
10 frustration in Aleta Fox in her job duties and  
11 assistance that she provided at the jail?

12 A No.

13 Q The D ring. Did you ever lock an inmate  
14 down on the D ring?

15 A No.

16 Q Did you ever observe someone do that?

17 A No.

18 Q While you were employed, did you ever  
19 hear that somebody had done that -- another  
20 staff member had done that?

21 MR. SMOLEN: Object to the form.  
22 Asked and answered.

23 THE WITNESS: No.

24 Q (By Ms. Gooch) Do you have an  
25 understanding as to what the D ring was used for

1 before your time -- or before your employment at  
2 the jail?

3 A Yes.

4 Q What's your understanding of what the D  
5 ring was used for before you began your  
6 employment at the jail?

7 MR. SMOLEN: Objection. Asked and  
8 answered.

9 THE WITNESS: Control of inmates.

10 Q (By Ms. Gooch) Was it used for  
11 discipline?

12 A No.

13 MR. SMOLEN: Objection to the form.  
14 Asked and answered.

15 Q (By Ms. Gooch) Can you -- what do you  
16 understand discipline to mean?

17 A I understand discipline to mean that  
18 someone had done something and gotten in trouble  
19 and that was a punishment.

20 Q Okay. So -- and -- and to use your  
21 explanation, was there ever an occasion to your  
22 knowledge while you were employed at the jail  
23 that an inmate was put on the D ring as  
24 punishment?

25 MR. SMOLEN: Objection.

1 THE WITNESS: No.

2 MR. SMOLEN: Misstates his  
3 testimony.

4 Q (By Ms. Gooch) Okay.

5 MS. GOOCH: That's all I have.

6 REDIRECT EXAMINATION

7 BY MR. SMOLEN:

8 Q Do you know how long Mr. Ellis was in  
9 the Ottawa County Jail?

10 A Approximately a week-and-a-half, two  
11 weeks.

12 Q If his booking sheet indicates that he  
13 was booked in on October the 10th -- let me just  
14 make sure that's accurate, okay? October the  
15 10th is what the record reflects his booking  
16 dates to be. Is that consistent with your  
17 memory?

18 A Yes.

19 Q Okay. And you understand that he died  
20 on October the 22nd, correct?

21 A Correct.

22 Q Okay. You would agree with me that had  
23 you followed the contract that Sheriff Durborow  
24 had in place with respect to Ms. Fox and you had  
25 actually set a time weekly for her to be there,